

OHIO COURT OF APPEALS, SIXTH APPELLATE DISTRICT, LUCAS COUNTY

Polk v. Polk

2026-Ohio-1630 · No. L-25-00241 · Decided May 5, 2026

SUMMARY

The Sixth District Court of Appeals of Ohio affirmed the Lucas County Domestic Relations Division’s September 17, 2025 judgments dismissing Dawn Polk’s show-cause motion and denying her request to clarify the dismissal and purge of contempt. The court held that it lacked jurisdiction to review issues concerning judgment entries not included in a timely notice of appeal and presumed the regularity of the trial court proceedings because Dawn did not provide a transcript. The court also affirmed the judgment concerning parenting time and counseling-related contempt issues.

CASE DETAILS

COURT	Ohio Court of Appeals, Sixth Appellate District, Lucas County
WRITING FOR THE COURT	Christine E. Mayle; Myron C. Duhart; Charles E. Sulek
JURISDICTION	Ohio Court of Appeals, Sixth Appellate District, Lucas County
DECIDED	May 5, 2026
DOCKET	L-25-00241
DISPOSITION	affirmed
PROCEDURAL POSTURE	Dawn Polk appealed the Lucas County Court of Common Pleas, Domestic Relations Division's September 17, 2025 judgments dismissing her show-cause motion and denying her objection and motion to clarify the dismissal and purge of contempt concerning counseling.
STANDARD OF REVIEW	An appellate court lacks jurisdiction to review judgment entries not identified in a timely notice of appeal. When an appellant fails to provide a transcript, the reviewing court must presume the regularity of the trial court proceedings and cannot review factual claims dependent on the omitted record. Pro se litigants are held to the same rules and procedures as represented parties.
PRECEDENTIAL VALUE	published
PARTIES	Dawn Polk v. Carl Polk

TOPICS

family law procedure

appellate jurisdiction

appellate procedure

child custody

contempt

PRACTICE AREAS

family law

appellate procedure

civil procedure

QUESTIONS PRESENTED

1. Whether the appellate court had jurisdiction to review issues concerning the trial court's May 14 and November 13, 2025 judgment entries when Dawn did not file timely notices of appeal from those entries.
2. Whether the appellate court had jurisdiction to review the denial of Dawn's request to submit an App.R. 9(C) statement of evidence when that decision was not properly appealed.
3. Whether the appellate court could review Dawn's claims that the trial court failed to enforce counseling orders, improperly declined to hold Carl in contempt, improperly granted purge conditions, and improperly modified parenting time when Dawn failed to file a transcript.

HOLDINGS

1. The appellate court lacks jurisdiction to consider issues concerning judgment entries for which the appellant did not file a timely notice of appeal or properly amend the notice of appeal.
2. The court could not review Dawn's challenge to the denial of her App.R. 9(C) statement because she did not properly appeal the judgment addressing that issue.
3. When an appellant fails to provide a transcript necessary to review the claimed errors, the appellate court must presume the regularity of the trial court proceedings and cannot review factual claims dependent on the omitted record.
4. A pro se litigant is bound by the same rules and procedures as a represented party and does not receive greater rights or relief from the consequences of procedural mistakes.

KEY QUOTATIONS

“Because she did not file a timely notice of appeal related to either of those judgments, we lack jurisdiction to consider any issues she raises regarding them.” (§ 15)

“Without a transcript, a reviewing court must presume the regularity of the proceedings in the trial court.” (§ 18)

“However, as a pro se litigant, Dawn is bound by the same rules and procedures as parties who are represented by counsel.” (§ 19)

FACTUAL BACKGROUND

Dawn and Carl Polk married in 2006, had a child in 2009, and were divorced in September 2023 under a shared-parenting arrangement. In 2024 and 2025, the parties filed motions concerning parenting time, child support,

contempt, enforcement, and counseling. The magistrate found Carl in contempt for failing to ensure counseling and required co-parenting and reunification counseling as purge conditions, while also modifying Dawn's parenting time. The trial court later found that Carl had complied with the purge conditions and dismissed Dawn's show-cause motion; Dawn appealed without filing the necessary transcripts.

PROCEDURAL HISTORY

The trial court entered a divorce decree in September 2023 and later modified parenting time and found Carl Polk in contempt for failing to comply with counseling and communication requirements. The magistrate's decisions were adopted by the trial court, and Dawn filed objections without providing a transcript. The trial court later denied her request for clarification and dismissed the show-cause motion after finding that Carl had complied with the purge conditions. Dawn appealed only the September 17, 2025 judgments; the appellate court declined to review issues concerning the May 14 and November 13 entries because no timely notices of appeal covered those entries.

DISPOSITION

affirmed

CASES CITED

- Petrovich v. Auto Repair, Inc., 2017-Ohio-8731, ¶ 12 (8th Dist.)
- Transamerica Ins. Co. v. Nolan, 72 Ohio St. 3d 320 (1995)
- Knapp v. Edwards Laboratories, 61 Ohio St. 2d 197, 199 (1980)
- Lavelle v. Lavelle, 2012-Ohio-6197, ¶ 7 (10th Dist.)
- Irvin v. Tate, 2022-Ohio-2553, ¶ 10 (10th Dist.)
- Kenwood Gardens Assn., LLC v. Shorter, 2011-Ohio-4135, ¶ 8 (6th Dist.)
- HSBC Bank United States NA v. Beins, 2014-Ohio-56, ¶ 8 (6th Dist.)